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09/715,009	11/20/2000	Keiichi Yamauchi	Q61858	7924

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2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER

CHU, KIM KWOK

ART UNIT PAPER NUMBER

2653

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/715,009	<b>Applicant(s)</b> YAMAUCHI, KEIICHI	
	<b>Examiner</b> Kim-Kwok CHU	<b>Art Unit</b> 2653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on RCE filed on 10/31/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-9, 11-14, 21-25, 27 and 31-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-9, 22-25 and 31-37 is/are allowed.
- 6) ☒ Claim(s) 11-14, 21 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/20/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

2. Claims 12-14 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Nagashima et al. (U.S. Patent 5,963,521).

Nagashima teaches an information recording and reproducing apparatus having all of the elements and means as recited in claims 12-14. For example, Nagashima teaches the following:

(a) as in claim 12, a first reproducing device 33 for reproducing audio information from a first information record medium 32, in which the audio information is recorded (Fig. 1; disc 32 is read; abstract, line 3);

(b) as in claim 12, a recording device 3 for recording the reproduced audio information into a second information record medium 2 (Fig. 1; disc 2 is written on, abstract, line 7);

(c) as in claim 12, a second reproducing device 3 for reproducing the audio information recorded in the second information record medium 2 (Fig. 1; recording device is also a reproducing device as it has ADPCM decoder and output 26);

(d) as in claim 12, a controlling device 7 for controlling the recording device to record the audio information (Fig. 1);

(e) as in claim 12, the audio information is reproduced from the first information record medium 32 by the first reproducing device 33, when the audio information is outputted as a sound and also controlling the second reproducing device 3 to reproduce and output the audio information as the sound (Fig. 1; reproducing 3 output audio while the audio is being written on the medium 2 because the encoder 15 and the decoder 21 are connected);

(f) as in claim 13, a converting device for converting a form of the audio information, wherein the controlling device controls the converting device and the recording device to convert the form of the audio information and then record the audio information when recording the audio information reproduced by the first reproducing device into the second information record medium (Fig. 1);

(g) as in claim 14, a compressing device 13 for compressing the audio information; and an expanding device 23 for expanding the compressed audio information (Fig. 1);

(h) as in claim 14, the controlling device 7 controls the compressing device 13 and the recording device 3 to compress the audio information and then record the compressed audio information when recording the audio information, which is

reproduced by the first reproducing device 33, into the second information record medium 2 (Fig. 1); and

(i) as in claim 14, the controlling device 7 controls the second reproducing device 3 and the expanding device 23 to reproduce the compressed audio information, expand the reproduced audio information and then output the expanded audio information as a sound (Fig. 1).

3. Claim 21 has limitations similar to those treated in the above rejection, and is met by the reference as discussed above.

**Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

5. Claims 11 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagashima et al. (U.S. Patent 5,963,521) in view of Kozuka et al. (U.S. Patent 6,466,735).

Nagashima teaches an optical disk very similar to that of the instant invention as cited in claim 11. For example, Nagashima teaches the following:

(a) as in claim 11, a first reproducing device 33 for reproducing audio information from a first information record medium 32, in which the audio information is recorded (Fig. 1; the first reproducing device 33 is the playback unit; column 3, lines 40-42);

(b) as in claim 11, a recording device 3 for recording the reproduced audio information into a second information record medium 2 (Fig. 1; column 4, lines 30-32);

(c) as in claim 11, a second reproducing device 3 for reproducing the audio information recorded in the second information record medium 2 (Fig. 1; column 4, lines 41-43);

(d) as in claim 11, a controlling device 7 for setting a recording speed when recording the audio information into the second information record medium 2 and a reproducing speed when reproducing the audio information from the second information record medium 2 (Fig. 1; device 7 sets the operating mode such as a high speed dubbing mode and audio playback mode);

(e) as in claim 11, controlling the recording speed is equal to or higher than the reproducing speed (Fig. 1; recording data requires less time than playback the data);

(f) as in claim 11, controlling the second reproducing device 3 and the recording 3 device so as to perform reproducing the recorded audio information from the second information record medium 2 at the set reproducing speed in parallel to recording the audio information into the second information record medium 2 at the set recording speed (Fig. 1; column 7, lines 45-59);

(g) as in claim 11, on the second information record medium, data information is recorded; (Fig. 1); and

(h) as in claim 11, the second reproducing device reproduces information and audio information (Fig. 1).

However, Nagashima does not teach the following:

(a) as in claim 11, the information recorded in the second record medium including map data of at least one territory to control a navigation function for a vehicle; and

(b) as in claim 11, a negation device for controlling the navigation function by using the map information.

Kozuka teaches the following:

(a) information recorded in a record medium including map data of at least one territory to control a navigation function for a vehicle (Figs. 7 and 10); and

(b) a negation device 30 for controlling the navigation function by using the map information (Figs. 21 and 22).

Information such as street maps can be stored in a high density storage medium. For example, Nagashima's recording and reproducing apparatus can be used to write and reproduce map data of a chosen region. To organize a map database of an automobile navigation system, it would have been obvious to one of ordinary skill in the art to use Nagashima's information recording and reproducing system to write/store street maps to the recording medium such as Kozuka's, because maps are better stored in an optical removable medium so that its contents can be carry to another vehicle's navigation system.

6. Claim 27 has limitations similar to those treated in the above rejection, and is met by the reference as discussed above.



***Allowable Subject Matter***

7. Claims 6-9, 22-25 and 31-37 are allowable over prior art.

8. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

As in claims 6 and 22, the prior art of record fails to teach or fairly suggest an information recording and reproducing apparatus having the following features:

(a) simultaneously record a portion of said audio information to the second information record medium at the set recording speed;

(b) reproduce another portion of the audio information by reproducing the another portion of said audio information from the second information record medium at the set reproducing speed; and

(c) the controlling device controls the recording device so as to record information indicative of the portion of the audio information, which is being recorded at a time of stopping a recording operation of recording the audio information into the second information record medium, into the second information record medium and then stop the recording operation, when the recording operation is to be stopped in a middle of recording the audio information into the second information record medium.

As in claim 9, the prior art of record fails to teach or fairly suggest a compressing device for reproducing the recorded audio information from the second information record medium, compressing the reproduced audio information, and recording again the compressed reproduced audio information into the second information record medium.

As in claim 25, the prior art of record fails to teach or fairly suggest a compressing device for judging the audio information which is recorded in a non-compressed state from among the audio information recorded in the second information record medium, reproducing the judged audio information in the non-compressed state from the second information record medium, compressing the reproduced audio information by applying a predetermined compressing process onto the reproduced audio information, and recording again the compressed audio information into the second information record medium.

As in claims 31 and 32, the prior art of record fails to teach or fairly suggest an information recording and reproducing apparatus having the following features:

(a) simultaneously record a portion of the audio information to the second information record medium at the set recording speed;

(b) reproduce another portion of the audio information by reproducing the another portion of the audio information from the

second information record medium at the set reproducing speed;  
and

(c) controlling the first reproducing device reproducing a recorded non-compressed information faster than normal speed in parallel to recording a compressed information which are converted from the non-compressed information by a compressing device.

As in claims 33-35, the prior art of record fails to teach or fairly suggest an information recording and reproducing apparatus having the following features:

(a) a controlling device for controlling the first reproducing device and the second reproducing device to simultaneously reproduce the audio information in a non-compressed form from the first reproducing device faster than normal speed;

(b) record the audio information in a compressed form which is converted from the non-compressed form by a compressing device; and

(c) reproduce the audio information in the compressed form from the second reproducing device at normal speed for playback.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

9. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry. Or:

(571) 273-7585, (for informal or draft communications, please label "PROPOSED" or "DRAFT")


Any inquiry of a general nature or relating to the status of this application should be directed USPTO Contact Center (703) 308-4357; Electronic Business Center (703) 305-3028.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

*Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).*

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February 3, 2006  
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